

DISTRICT V ADVISORY BOARD

Minutes

June 4, 2001

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The District V Advisory Board meeting was held at 7:00 p.m. at the Sedgwick County Extension Center, 21st Street & Ridge Road. In attendance were eight (8) District Advisory Board Members, seven (7) City staff, approximately thirty (30) citizens with eighteen (18) signing in, and the District V City Council Member.

Members Present

David Almes
Maurice Ediger
Margarita Farelle-Hunt
Fran Hoggatt
Andy Johnson
Vince Miller
Teresa Schmidt
Bob Sorenson
Council Member Bob Martz

Staff

Steve Lackey, Public Works
Mike Lindebak, Public Works
Jim Armour, Public Works
Sgt. Bobby Wiley, Police
Officer Sandy Mackey, Police
Officer Kelly Mar, Police
Dana Brown, City Manager's Office

Members Absent

Bob Bulman
Sean Cash
David Dennis

Guests (listed on page 9)

ORDER OF BUSINESS

Call to Order

Council Member Martz called the meeting to order at 7:08. He explained the purpose of the District Advisory Board to act as community advisors to him as the District V Council Member. **Council Member Martz** further explained that although he chairs the Board meetings, the actions do not include a vote by him—even in a tie. He stated that his opportunity to vote is at the City Council meetings and that he considers the feedback of the Board in his vote. He advised the public that this meeting provides them with an opportunity to voice their opinion on City issues. However, he asked that the public attending the Advisory Board meetings conduct themselves with the same appropriate behavior that is expected in the Council Chambers.

Approval of Minutes

Council Member Martz asked for correction to the minutes of May 7, 2001. No corrections were noted, and **Johnson (Hunt)** moved that they be approved. Motion passed 8-0.

Approval of the Agenda

Council Member Martz asked if any agenda changes were needed. With none identified, the agenda was approved.

Council Member Martz stated that before beginning the Public Agenda, he would like to address the Board about a previous issue regarding a construction and demolition (C & D) landfill permit at 37th & West Street. Ritchie Company had applied to Kansas Department of Health & Environment (KDHE) for the landfill permit but the request had been denied. Ritchie is now protesting the denial. **Council Member Martz** said that his concerns focused on the risk of contamination with the subject site having a sand base, making containment of any contamination difficult. He asked Board Members and the public to contact KDHE Secretary Clyde Graber regarding the concerns. **Ediger** commented that it appeared that Ritchie was seeking to profit at the expense of others. **Hunt** stated that she thought a letter from the Board as City-appointed group would be the best approach, rather than as individuals. **Hoggatt (Almes)** moved to send a letter from the Board to Secretary Graber and copy to Governor Graves. Motion passed 8-0.

Staff will write the letter, e-mail to Board Members for approval, and work with **Council Member Martz** to obtain all signatures.

Action: Board voted 8-0 to send a letter to state officials expressing concerns about a possible permit approval for a construction and demolition landfill at 37th and West Streets.

Public Agenda

Scheduled Items

No items had been previously scheduled for the public agenda.

Off-agenda items

The Board Members used this time to present several concerns noted within the District.

Sorenson asked about the outcome of the planning case previously reviewed by the Board for use of property at the southeast corner Maple & Ridge. He said that no development had occurred at the site and tall grass & weeds had grown up. **Council Member Martz** said the proposed plan of building a drug store had not worked out for the property owner. **Sgt. Wiley** reported that Environmental Health had been recently notified about the tall grass and weeds.

Johnson expressed a concern about funeral escorts, noting that he recently observed a van in a funeral procession driving in the lane to be used by on-coming traffic. The van was being used as an escort vehicle and appeared to be assuming that on-coming traffic would pull over and stop. However, not all motorists stop for funeral processions and the situation presents risk for head-on collisions. **Council Member Martz** acknowledged the issue as a concern and noted that the Council plans to discuss the issue soon.

A citizen also reported that his neighborhood had several abandoned vehicles and an RV parked on the grass. **Council Member Martz** asked the citizen to provide the addresses for staff follow-up.

Action: Upon receiving addresses, Staff will contact Environmental Health regarding concerns.

Board Agenda

1. Community Police Report

Officer Kelly Mar reported for Beat 19, noting it as one of the two largest beats in the district.

Incidents for April and May included:

Non-residential burglaries	15
Residential burglaries	16
Larcenies from vehicles	27
DUIs	4

She also noted that construction site burglaries had increased but said this is common in warmer weather with school out.

Officer Sandy Mackey reported for Beat 18 as the other largest beat in District V. Incidents for May included:

Residential burglaries	8
Most due to larcenies from vehicles in open garages.	
Larcenies to vehicles	25
Police have distributed flyers to warn citizens about taking precautions.	
DUIs	10
Suspicious characters	10

Officer Mackey noted that the burglaries and larcenies indicated the need for neighbors to be aware and to report concerns to police.

High accident intersections included 21st Street & Ridge, Maple & Ridge, and Maple & Maize. Another intersection of concern is Central & Woodchuck, just east of Bishop Carroll High School.

Hunt stated that she had concerns for the exit off West Kellogg at Ridge and the need for the yield sign to be larger.

Action: Receive and file.

2. Update on Committee Work regarding Traffic Issues for Westport & Maize

Almes reported that he and Miller had met with staff to identify the area of concern as 13th to 21st Streets and Tyler to Maize. Lot addresses for the area were provided through the City's geographical information system and approximately 1,400 notices were sent to invite the residents to an open meeting on June 13 at 7:00 p.m. at Northwest High School.

Council Member Martz stated that the public meeting on June 13th would be the first step in the process. He noted that no decisions will be made at this meeting but concerns, issues, and possible solutions will be identified. After collecting this information from the public, residents will be asked to volunteer to serve on the committee to examine data and possible solutions and then form consensus on recommendations for the District Advisory Board.

Action: Receive and file.

3. Updates, Issues, and Reports

These were reported under “Non-Scheduled Items” for the Public Agenda.

No action necessary.

4. Next Meeting

Council Member Martz announced that the next meeting would be held on July 9th at the Auburn Hills Clubhouse. (Johnson reported that he would not be attending, as he would be out of town on that date.) **Council Member Martz** stated that the entrance is on the west side. The meeting room could also be accessed through the clubhouse on the south side.

5. Residential Issues associated with Central Expansion between Ridge & Tyler

Jim Armour, Public Works, provided responses to the issues presented by residents at the May DAB V meeting. General responses are recorded and a copy is attached to the file copy in the City Manager’s Office.

I. Wall previously promised

Q. What happened to the 4 ft. wall promised?

A. No walls were promised, as they were not considered necessary. Earth-retaining walls were considered for commercial properties due to elevations.

II. Traffic on Central a great source of noise

Q. Noise readings taken by others—not the City—indicate readings of 76-86 decibels. Magazine article in federal periodical indicates high levels of noise cause home values to drop.

A. City does not dispute these readings but staff is aware that reliable noise readings must be taken over a period of time and calculated with a standardized formula. The magazine article reports on a study conducted by researchers but does not necessary reflect federal policy on traffic noise. If a reliable noise study is conducted that indicates noise levels reaching a 67 threshold, the Kansas Department of Transportation (KDOT) more likely to conduct their own study to determine the need for sound barriers.

Q. Suggest new City ordinance that walls be constructed for residents within 3,000 feet of 3-5 busiest intersections in the City having an average decibel reading that exceeds 55 decibels.

A. Policy issue to be addressed by City Council; 55 decibels is not realistic in an urban area.

Q. Traffic along West Central will only increase with the growth on the west side.

A. True. Current traffic on Central west of Ridge averages 26, 450 vehicles while projections for 2030 indicate traffic will increase to 31,860.

III. Accidents

Q. Personal stories of accidents.

A. Accidents occurring from January 2000 to April 2001 numbered 13 with none leaving the roadway.

Q. Snow, ice, and rain conditions will increase jeopardy for homes.

A. Some portions of roadway will be closer to private property but the additional lanes in combination with center median and left turn lane should produce increased safety.

Q. Most other roadways expanded are completely commercial areas.

A. Arterial roadways are expanded primarily based upon traffic volume trends. This section of roadway is not unique from other arterial roadways with residential areas.

IV. Cost of Retaining Walls

Q. What is the cost of a wall?

A. Approximately \$35-50 per foot, including tree removal and preparation for placing wall, painting, and design and inspection costs. Total for 3,366 feet wall from Woodchuck to Country Acres could range from \$120,000 to 170,000.

V. State law prevents road from being widened that would cause loss to property owners

A. Not true unless properties are acquired for the project. Any properties taken for public right-of-way were completed under strict federal acquisition guidelines.

Q. Trees have been removed without reimbursement.

A. Any trees planted in public right-of-ways are subject to removal for future public needs. Trees are preserved wherever possible.

Q. Noise levels exceeding 55 decibels will cause property values to drop, according to magazine article.

A. KDOT determined that a specific noise evaluation was not required due to any increase of overall traffic capacity on Central, east & west of Ridge. This decision was necessary because the project is being constructed with federal funding, subject to an environmental review by KDOT. As a result, KDOT did not require the City to install a noise barrier.

Several citizens asked questions including:

- **Marjean Hale, 7520 W. Jennie**, noted that a 4-foot wall in Ron Sparkman's yard at 7600 Jennie did help reduce noise. **Armour** agreed that any barrier would help. **Hale** then asked if traffic is expected to increase, how could the risk of a car leaving the roadway be decreased with the expansion? **Armour** explained that traffic studies show that accidents decrease with the addition of lanes, including left-turn lanes.
- A question was raised about why the right of way needed so much space; **Armour** explained that it was necessary to provide access to utilities.
- **Michella DeBoer, 7614 W. Jennie**, asked about eliminating two (2) foot of the area, leaving 1-1 ½ feet from the property line. **Armour** stated that trees would be lost.
- A citizen who did not sign in but stated his address as 7700 W. Cottontail, asked why the City isn't getting KDOT to do a noise study? **Armour** replied that the project didn't meet the KDOT criteria.
- **Travis Weigel, 700 Redbarn**, asked if the expansion would lower the street? **Armour** said it would slightly but the street needed to slope to provide run-off for adequate drainage.
- **Michella DeBoer** stated that a representative of the Federal Highway Administration (FHA) indicated to her that federal funding was being used for this project and that it was classified as a type-one construction project, meaning it qualified for a sound study. **Mike Lindebak, City Engineer**, addressed the question saying that KDOT had stated that the project did not qualify. **DeBoer** said discrepancies apparently existed. **Armour** noted that the City is required to work with KDOT on these projects and that KDOT provides the City the final answer. However, he said that the City could make the request again to KDOT. **DeBoer** stated her understanding of the

- restrictions associated with a certain decibel reading—that measurements would be taken at a certain distance from the homes during peak hours, and that a wall would be required to decrease the reading by 10 decibels. **Lindebak** stated that certain guidelines did exist but landscaping would first be considered as a barrier. **DeBoer** asked if the residents could contact the FHA, and **Council Member Martz** explained that the City couldn't contact the federal agency but must first take the issue to KDOT. However, he said it was their privilege as citizens to contact the federal agency. **DeBoer** also noted that in consideration of closing Redbarn that she understood the citizens on both sides were not opposed to it. **Council Member Martz** replied that because the City has a policy against closing an existing collector street, closing Redbarn would probably not happen. In addition, he said that speed bumps would not be used as studies show them to be ineffective and hazardous.
- **Wiegel** said that he had lived at Central & Redbarn for ten years and accidents were common. Safety, he said, is the first concern. **Armour** acknowledged the concern but explained that every access or closure impacts the traffic pattern in an area that could present new problems.

Lindebak spoke about the Rock Road situation and that all of the developers did not build walls, identifying residential areas at Bonnie Brae, Rockwell, 21st & Sycamore as neighborhoods that requested the City to build walls. Because of the City's policy, the requests were denied and the neighborhoods built their own walls.

- **Mary Butler, 7719 Cottontail**, asked about why the distance between the street and the property line needed to be so wide? **Lindebak** explained that adequate space to access utilities was necessary. Further explanation was given about the use of manholes and how sidewalks would be situated.
- **Lori Stockstill, 7508 W. Jennie**, said it appeared that the City is allowing questions to be asked but that City officials didn't really care. **Armour** noted that he took exception to the accusation of not caring and had worked diligently with residents to identify alternatives. He reminded the residents that this meeting is for the Board to hear the issues and consider alternatives in an effort to make a recommendation to **Council Member Martz**.
- **Steve Strader, 7711 W. Cottontail**, stated that he thought the DAB should request that City Council or Public Works take the issue to KDOT and request a noise study. Another suggestion made was to ask local industry to measure the sound.
- **Weigel** asked if an evaluation was ever completed after a project is completed. **Armour** stated the City doesn't typically evaluate at completion. **Sorenson** asked what the sequence is for such studies. **Armour** said that a study could be conducted but the project may not qualify for noise mitigation; if it does qualify, funding must be identified. **Lindebak** added that the funding identified usually must be diverted from roadway projects.

Lindebak then stated that he would recommend a landscaping barrier but a reading could be taken for the existing situation and then with the improvements factored in an effort to assess whether the project might increase the noise. **Council Member Martz** replied that it appeared two alternatives were available at this point: 1) the City could make one

more attempt to contact KDOT about a noise study, and/or 2) any citizens could contact the FHA.

- A citizen asked what the speed limit would be after completing the project. Lindebak stated that it would remain at 40 m.p.h. **Council Member Martz** said that safety was paramount to him.

Council Member Martz then asked Public Works staff if they would contact KDOT again. **Russ Krueger, Cottontail Street**, stated that Public Works should insist that KDOT do the study.

Council Member Martz then asked the Board about their thinking. **Miller** stated that the staff is operating under the policy established by City Council. He recommended the Council look at the current policy and consider beyond not expending the funding for a fence—rather look at the reality of how no fence could decrease the quality of life in the area. Instead, a fence could maintain the quality of life which would minimize growth further west and preserve the current neighborhoods. **Hoggatt** suggested the neighborhood begin an effort to “grow” a wall to provide noise barrier and increase safety by organizing to raise funding for construction. She stated that if the City builds a privacy wall for one area, it must be prepared to respond to requests from every neighborhood for improvement projects. **Ediger** asked the residents to identify which issue they want satisfied—safety or noise, or both? If KDOT would recommend landscaping and a wood fence, would they be satisfied? **DeBoer** stated that the FHA recommended a concrete wall.

Rebecca McKanna, 7525 Cottontail, asked if the residents would have to wait another month for an answer. **Council Member Martz** said that the process is a continuing one that involves several governmental decisions, causing it to take time.

Miller (Almes) moved for the Board to recommend the Council reconsider their policy on providing noise mitigation for construction projects that bring the streets closer to the resident’s property lines. Motion passed 7-1 (Hoggatt).

Action: Motion passed 7-1 to recommend the Council reconsider policy on noise mitigation for construction projects bringing streets closer to resident’s property.

Sorenson clarified that specials for a concrete wall would cost residents approximately \$500 per year for a total of 15 years. **Weigel** stated that he really didn’t want a wall due to his house being on a corner—it would place the wall too close to the side of his house. **Council Member Martz** explained that a wall could be built and paid for through different methods such as the City building and financing the project with property owner repaying the City through a special tax assessment; a property owner could construct and pay for their wall; or, all property owners along Central could work together to build a common wall, financing on their own.

Council Member Martz stated that the City will contact KDOT regarding the issues identified and provide their response at the July 9 DAB meeting.

(Hunt left the meeting.)

6. Additional Citizen Concern

Brown, District V Neighborhood Assistant, introduced the issue by explaining that the resident had contacted her with complaints about errant golf balls in the neighborhood from the upper deck driving range at All Stars Sports on W. 21st Street. Consultation with the City Attorney revealed that no City code or ordinance is being violated with errant golf balls and the matter is considered a civil issue. However, the City Manager has encouraged staff to explore possibilities for resolving including mediation with the residents and the business owner.

Rodney Young, 8150 20th Street Circle, then presented his concerns regarding safety and property damage in his neighborhood. He provided background including that no real problems existed during the first nine years of living adjacent to the business. Young felt that the former business owner made an effort to keep the golf balls within the fence. However, Young said that the situation changed with the new owner, and during April and May 2000, he collected 600 errant golf balls. He said that the golf balls had recently dented his car and his house siding, and nearly hit a 14-year old boy leaving their house. Immediately after the near-hit of the boy, five more balls fell in his yard within 30 seconds. Young said that although a 50-foot fence exists, the upper deck of the driving range is 40-foot high so it doesn't provide much restriction for the balls. He also noted that he believes the golfers would have to be purposely hitting the balls in the direction of his and other neighboring properties due to the angle. He said that he has no problem with the business being there because if it's managed properly as it was in the past, the neighborhood is only occasionally affected.

Young further explained that complaints from last spring and summer resulted in an attempt for Wichita Police to mediate. He said that Officer Mar led four sessions in June 2000 from which the business owner agreed to provide private security for the upper deck to ensure proper usage of the driving range and also to change the type of golf ball used to a ball that will travel a shorter distance.

Officer Mar stated that even though the errant golf balls did not violate a City code or ordinance that she had contacted the District Attorney's Office about possible violations that were being researched. Mar stated that the lighting was also an issue at All Star Sports. She explained that it was not in compliance with City code and staff would need residents to sign a complaint in order for the City to investigate. She said that she was working with Environmental Health staff, Mark Bradshaw and Shane Hackworth, on concerns with light and noise. She reported that the noise is an intermittent problem.

Ediger asked if signs were posted stating liability for property damage from the golf balls. No one in attendance knew.

Officer Mar further explained that as a continuing issue, she had not been satisfied with the cooperation of other department staff to work out the problem. She had attempted previously to obtain a copy of the Community Unit Plan (CUP) submitted to the City with projections but OCI staff had told her they could not locate it. Mar stated that OCI Inspector, Randy Sparkman, had not been willing to work with her on the issue.

Young stated that the lighting became an issue for the neighborhood due to recent changes in the direction of the lights. However, he said the lighting concerns had never been brought to the neighborhood by the City. He said the increases in the noise level had also been a problem since the speakers had been turned on again.

Almes asked if the type of golf ball used had been changed. **Sergeant Wiley** responded, saying that OCI had been reluctant to respond to the concerns. In addition, he said the business owner was also slow to cooperate on the agreed changes identified in last summer's mediation, such as the use of the shorter-distance balls. Wiley stated that nuisance abatement for the noise and lighting was in process as the current officer is compiling the information regarding the complaints.

Council Member Martz asked to see the CUP that Officer Mar had brought with her to the meeting and reviewed for relevant information on the conditions. Some confusion existed about the information given for lighting.

Edger (Sorenson) moved that the approval process for the addition of the upper deck be investigated. Motion passed unanimously.

Action: Motion passed 7:0 for staff to obtain and investigate Community Unit Plan information.

Council Member Martz asked Officer Mar to obtain the CUP from the Planning Department for his review and to discontinue the involvement of the District Attorney's Office. He stated that additional information is needed for clarification.

With no further business, the meeting was adjourned.

Respectfully submitted,

Dana Brown
Neighborhood Assistant
District V

Guests

Greg Gourley	7810 Jennie, Wichita, KS 67212
Barbara Gourley	7810 Jennie, Wichita, KS 67212
Claudia Ellerman	7502 Jennie, Wichita, KS 67212
Mary Butler	7719 Cottontail, Wichita, KS 67212
Ron & Lee Sparkman	7600 Jennie, Wichita, KS 67212
James Squires	7901 Jennie, Wichita, KS 67212
Rodney Young	8115 W. 20 th St. Cir., Wichita, KS 67212
Norman & Michela DeBoer	7614 Cottontail, Wichita, KS 67212
Mr. & Mrs. Ed Zweifel	7725 Cottontail, Wichita, KS 67212
Rebecca McKanna	7525 Cottontail, Wichita, KS 67212
Judy & Travis Weigel	7006 Redbarn Ln., Wichita, KS 67212
Steve Fowler	7526 Jennie, Wichita, KS 67212
Marjorie Hale	7520 Jennie, Wichita, KS 67212
Bernhard Gildemeister	9806 W. 18 th Ct., Wichita, KS 67212
Steve & Chris Strader	7711 Cottontail, Wichita, KS 67212
Lori & John Stockstill	7508 Jennie, Wichita, KS 67212